

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.29 of 2017

Arising Out of PS. Case No.-655 Year-2011 Thana- PATNA COMPLAINT CASE District-
Patna

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Suresh Rai Son of Late Sarifa Rai resident of village - Ram Charan Chhatani,
P.O. - Dhobiya Kalapur, P.S. - Naubatpur, District - Patna.

... .. Appellant/s

Versus

1. Bhagwan Rai @ Genda Rai Son of Late Keshwar Rai.
2. Premchand Rai Son of Bhagwan Rai @ Genda Rai.
3. Dularchand Rai Son of Bhagwan Rai @ Genda Rai.
4. Rajkumar Rai Son of Bhagwan Rai @ Genda Rai.
5. Dharmendra Kumar @ Tunni Son of Bhagwan Rai @ Genda Rai.
6. Mithlesh Kumar Son of Bhagwan Rai @ Genda Rai.
7. Satyendra Kumar Son of Bhagwan Rai @ Genda Rai.
All residents of village - Ram Charan Chhatani, P.O. - Dhobiya Kalapur, P.S.
- Naubatpur, District – Patna.
8. The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prashant Sinha
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL JUDGMENT

Date : 11-07-2019

Heard.

2. This Special Leave to Appeal has been filed on behalf of the appellant under Section 378(4) of the Code of Criminal Procedure, seeking leave to file appeal against the Judgment and Order dated 22.03.2017 passed in Complaint Case No.655 of 2011/Trial No.561 of 2017, by which and whereunder the learned Sub Judge-cum-Additional Chief



Judicial Magistrate, Patna, acquitted the respondent nos.1 to 7 from the charges framed against them for the offence punishable under Sections 323, 504 and 468 of the Indian Penal Code.

3. From perusal of the impugned Judgment and Order dated 22.03.2017, it appears that while before charge, four witnesses were examined on behalf of the complainant/appellant but after framing of the charge, no witness was produced by the State to be cross examined, due to that reason, the learned Sub Judge-cum-Additional Chief Judicial Magistrate, Patna, arrived at the conclusion that the prosecution has not been able to prove the charge levelled against the respondent nos.1 to 7 and, accordingly, acquitted them from the above stated offences.

4. I find no reason to allow this Special Leave to appeal and, accordingly, the same is dismissed.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2019.
Transmission Date	15.07.2019.

